

6234. Adulteration of soy nuts (processed soy beans). U. S. v. 4 Bags and 9 Bags of Soy Nuts. Default decrees of condemnation. Portion of product ordered denatured; remainder ordered destroyed. (F. D. C. Nos. 11313-11531. Sample Nos. 50141-F, 62545-F.)

LIBELS FILED: On December 16 and 28, 1943, Northern District of West Virginia and Eastern District of Missouri.

ALLEGED SHIPMENT: From on or about May 27 to June 25, 1943, by the Soy Bean Products Co., from Chicago, Ill.

PRODUCT: 4 bags at Chester, W. Va., and 9 bags at St. Louis, Mo., each containing 100 pounds of soy beans.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of one or more of the following types of filth: Insects, larvae, pupae, insect fragments, rodent hair fragments, and webbing.

DISPOSITION: January 7 and 25, 1944. No claimant having appeared, judgments of condemnation were entered. The Missouri lot was ordered to be denatured under the supervision of the Food and Drug Administration, and to be sold to the person or corporation who would offer the highest bid and adopt proper safeguards against its use in violation of the law. The West Virginia lot was ordered destroyed.

6235. Adulteration of Wheat-Alone and Grain-A-Lax (whole wheat cereals). U. S. v. 28 Cases and 29 Cases of Cereal. Default decree of condemnation and destruction. (F. D. C. No. 11067. Sample Nos. 42888-F, 42889-F.)

LIBEL FILED: November 18, 1943, District of Idaho.

ALLEGED SHIPMENT: On or about September 8, 1943, by the Wheat-Alone Co., from Portland, Oreg.

PRODUCT: 57 cases, each containing 24 packages, of cereal at Lewiston, Idaho.

LABEL, IN PART: "100 percent Whole Wheat Cereal Wheat-Alone," or "The New Improved Irradiated Grain-A-Lax * * * Whole Wheat Cereal * * * Grain-A-Lax Mills, Portland, Oregon."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of rodent excreta, rodent hairs, and insect fragments.

DISPOSITION: January 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS

CANDY

6236. Adulteration and misbranding of candy bars. U. S. v. William Rayess (Rayess Candy Co.). Plea of nolo contendere. Defendant found guilty. Fine, \$100 and costs. (F. D. C. No. 10637. Sample Nos. 46631-F to 46633-F, incl.)

INFORMATION FILED: January 20, 1944, in the Northern District of Ohio, against William Rayess, trading as the Rayess Candy Co., Toledo, Ohio.

ALLEGED SHIPMENT: On or about July 30, 1943, from the State of Ohio into the State of Michigan.

LABEL, IN PART: (On candy bars) "Toasted Mallow * * * 1½ ozs. or over," "Golden Peanut * * * 1¾ oz. or over," "O. K. Bar * * * 1½ ozs. or over," or "Crispette * * * 1½ Ozs. [or "2 oz."] or over."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments, insect fragments, larvae, hair fragments resembling rodent hairs, rodent hairs, and insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Misbranding, Section 403 (a), the statements "1½ Ozs. or over," "1¾ Oz. or over," and "2 oz. or over," borne on the labels of various portions of the article, were false and misleading as the weight of the candy bars in those portions was less than the weight declared on their labels; and, Section 403 (e) (2), the article was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 12, 1944. The defendant having entered a plea of nolo contendere, the court found him guilty and imposed a fine of \$100 and costs.